

November 5, 2012

The Randolph County Board of Commissioners met in regular session at 6:00 p.m. in the 1909 Randolph County Historic Courthouse Meeting Room, 145 Worth Street, Asheboro, NC. Commissioners Holmes, Frye, Haywood, Kemp and Lanier were present. Chairman Holmes welcomed members of Boy Scout Troop 500, who were in attendance to meet requirements of badges they were working on. They lead everyone in reciting the Pledge of Allegiance, after which, Dr. Bob Shackelford, RCC President, provided the invocation.

### **Public Comment Period**

Pursuant to N.C.G.S. § 153A-52.1, Chairman Holmes opened the floor for public comment after County Manager Richard Wells read the Rules for the Public Comment Period.

**Melissa Brown**, Director of My Circle of Friends Day Care, stated that due to the mismanagement of funds and improper budgeting within the Department of Social Services (DSS) the families of 604 children, ages 5-12, will have to make a decision whether to send their children home unattended, leave their jobs to take care of their children or whether to sacrifice food, utilities or other necessities to make sure their children are taken care of. Ms. Brown asked the Board to help find a solution to help these children and families. She presented the Commissioners with a packet of information about the DSS child care subsidy in Randolph County and the cuts being made in assistance and how it affects the children in day care. The packet included notes from meetings, charts and a letter to Senator Tillman.

**Margie Trogdon**, Director of Trogdon's Day Care, gives after school care to children, ages four to twelve. She stated that 1,260 children receive vouchers, and it is estimated that 604 are being cut from the program. She stated that the DSS budget was being under-spent, and then over-spent so they would not have to revert funds to the state, resulting in a deficit. Many day cares are offering discounts and hers is one of them. A fund has been set up through the Partnership for Children to help fund some families. Many day cares are reducing rates and many may have to lay off employees. She added that schools may start having some busing issues with kids who will now have to go home instead of going to day care. She just wanted to make the Commissioners aware of what is going on and hopes for some assistance or guidance.

Vice Chairman Frye asked for an explanation about the reversion of funds.

**Melissa Brown** responded to Mr. Frye, explaining the reversion of monies to the state using a chart that was in the packet she provided earlier showing the last four years of funds that had to be sent back to the State in February and June due to under-spending; those funds were redistributed to other counties. She said over \$2 million has gone back in the last four years. She is afraid they are now over-spending and then in February, will have funds that will be reverted, when these funds could be used right now.

**Margie Trogdon** said that the reversion in February of last year happened because the money was not spent, so it was given to other counties. The money could have been used

for child care here, had the budgeting been consistent. She said that in order to spend it down, DSS added 400+ children, but by June, they couldn't sustain that amount of children. She stated that DSS left the program in place through July to cover the highest spending months due to the need for summer care and then realized they were over-spending. She said that DSS' spending was at 82% of budget at end of last fiscal year and at 137% since the beginning of June 2012. But in August, they added 70 more children to the program, and she is not sure why DSS added those children. Ms. Trogdon felt that DSS was not able to sustain the same spending, so they abruptly announced they are over-spending and will not be able to continue to assist the current amount of children. After reviewing their options, they decided it was best to cut after school care, which is half of the total receiving care.

**Melissa Brown** stated that DSS had presented their list of seven priorities and Priority #7 includes working parents, which happens to be the ones that are working, contributing to the economy and tax base, and trying really hard. Ms. Brown felt that Priority #7, being the first cut, was the hardest hit and largest group.

**Margie Trogdon** said child care facility representatives made the suggestion to DSS to wait until December to make this drastic cut to see if the children that cycle off at the age of 12 would help the situation, and also to see how the closing of Hyosung would affect the numbers. Ms. Trogdon said that the facilities wanted to keep the children in day care to keep them safe and to keep their child care businesses going and the child care workers employed. However, with the current spending rate, DSS was not able to wait to proceed with the cuts.

**Melissa Brown** said the child care directors asked for the cuts to be made in phases and that one of their suggestions was that the estimated 50 college parents be cut in the first round to allow them to schedule their January classes to occur during the hours their child was in school so they could be at home when the child got out of school. The directors requested the second phase to include the older kids that could possibly stay alone for a few hours until a parent or guardian could be there. Ms. Brown stated that day cares are just trying to prevent the younger kids from being sent home and being alone.

**Lynda Flanagan**, guardian of a child at My Circle of Friends Day Care, stated she was a 54-year-old working grandmother raising her five-year-old grandson who had been placed in her care at the age of two when he was taken from an abusive home. She said she could not afford day care for him without assistance. She is trying to work and raise him the best she can, but this is going to be a huge hit to her budget and she hasn't figured out what she will do yet. She said she is concerned for the safety of all the kids that are going to be sent home on a bus to stay alone.

**Julie Honeycutt** stated she is a 24-year old single, minimum wage, working mother of an eight-year-old and gets no child support and only \$44 a month in food stamps. She said she is trying to do this on her own. Her parents work and her grandparents are not physically able to take care of her son. She stated that she will not leave her eight-year-old home alone. She is hoping to go back to school to be a nurse, but without the continued government assistance, that dream will die.

**Sherry McGee** is guardian of a six-year-old and a seven-year-old, who are family members that were placed in her care. Because they are family, day care assistance is all she gets, and without the assistance, she would have difficulty working and paying for day care. She said she would probably have no other choice than to put the children in foster care as she can't afford to quit her job and doesn't feel they should stay alone at their age. Their assistance is being cut at the end of the month.

**Deborah Medford**, Director at Trin-Dale Children Center, stated that like the others, she is concerned about the children and families as well. She is losing 25 children and two teachers. That's two more individuals that will have to rely on funding from somewhere to keep their life together.

**Carolyn Langley**, Director of Cooperative Extension, introduced Jonathan Black as the new Agriculture Field Agent for Randolph County.

Commissioner Frye stated that this DSS program is all state and federally funded. He asked DSS Director Beth Duncan, to comment regarding the state cuts to subsidies and about the funding Governor Perdue is releasing and how it relates to this program.

**Beth Duncan** read a letter from the Director of the North Carolina Department of Health and Human Services, Division of Child Development and Early Education, where Governor Perdue issued an Executive Order that provides additional dollars to serve up to 6,300 four-year-old children who are eligible for Pre-K services. Switching to the Pre-K funding would reduce the current spending levels and reduce the possibility of terminating services to children in that age, who are receiving subsidy services. She stated that the DSS child care staff employees were informed by local person responsible for Pre-K services that it was not an option.

**Andee Edelson**, Child Care Services Program Coordinator with Partnership for Children, spoke in response to the change to Pre-K services, stating that there are not enough teachers who currently have a four-year degree in early childhood education to teach Pre-K, and it would take at least three years for them to meet the criteria set by the State making it impossible to take that option immediately.

Vice Chair Frye asked Ms. Duncan who makes the decision of whom to cut from the child care subsidy program?

Beth Duncan said the decision is determined using State guidelines but each county has unique criteria, as well. She said the matter was discussed with the DSS Board, and they established priority groups which were set in an order to first serve the children most vulnerable. The priority groups were set as follows:

1. Children in DSS custody and teenage parents in public school
2. Work First recipients
3. Employment for half-time and full-time parents of pre-school age children
4. Education leading to employment

5. Developmental needs of the child
6. Child welfare services
7. Employment for half-time to full-time parents with school age children.

Ms. Duncan stated they do sympathize with the parents, but felt it would be easier to find child care for a school age child for two to three hours after school than to find child care for a child that needed all day care. If they reduced coverage in the other categories, most likely it would mean more parents/guardians would have to quit their job to stay home and care for the child. Ms. Duncan said that child care subsidy is to support working low income families to keep them working and that it is important to remember this is not an entitlement program. Parents, as well as child care providers, are made aware of this on the application when they apply – it is a finite pot of money. Parents do pay a percentage for day care based on their income.

Ms. Duncan said Randolph County DSS has reverted funds, but not voluntarily. The State does automatic reversions and gives allocations to other counties. Randolph County DSS divides its budget over 12 months with some variables figured in. Last year, DSS spent within 18 days of the total budget.

Commissioner Lanier, who serves on the DSS Board, stated that the way the subsidy program is being managed at the State level, not the local level, is what is making this a very challenging situation. He asked Ms. Duncan what the total subsidy budget figures are for this fiscal year. Ms. Duncan responded that it was \$4.4 million.

Commissioner Haywood asked Ms. Duncan if she had a “rainy day” fund and she replied that normally there is one at the State level, but they did not keep any money back this year except for \$111 for the whole state. She said that the way the State has managed over the years is that if a county is over-spending, they would take from under-spending counties and redistribute. Ms. Duncan said that Randolph County DSS tries to spend close to 100% but if the budget falls to the 80% range, the State takes funds, which leaves a hole in their budget for the remaining months of the year. She spoke with the Division of Child Development and Early Education prior to this meeting and they do not think they will have any money for reversions, but she hopes they will. She reiterated that this is not a problem that is unique to Randolph County. It is happening to several counties all over the state. The State budget was cut 11 million dollars and Ms. Duncan stated that Randolph County needed about 1 million.

One way the program is managed is through a waiting list and attrition. Ms. Duncan stated that around 6,351 children in Randolph County are eligible and a little over 1,000 (16% of the 6,351) are served. Ms. Duncan elaborated that 600 children seems a lot, but one has to factor in the hours of day care, those that stay two hours versus all day and which it will be the hardest on.

Ms. Duncan offered to prepare some figures to present at the December meeting.

Hearing no further comments, the public comment period was closed.

### **Special Recognitions**

Chairman Holmes recognized Cookie Baynes, who is retiring with 25 years of service to the Register of Deeds Office. Chairman Holmes presented Ms. Baynes with an engraved clock on behalf of the Board.

Chairman Holmes announced that Vice Chair Darrell Frye had received the Grady Hunter Award for Excellence in Regional Leadership at the October 17, 2012 Piedmont Triad Regional Council's Board of Delegates meeting. Vice Chair Frye replied that he is honored to receive the award that was named after Mr. Hunter.

### **Approval of Consent Agenda**

*On motion of Haywood, seconded by Frye, the Board voted unanimously to approve the Consent Agenda, as presented:*

- *approve minutes of October 1, 2012 Board of Commissioners meeting;*
- *approve DOT Resolution Adding Brookwood Acres Drive in the Brookwood Acres Subdivision to the State Road System, as follows:*

***WHEREAS**, the Department of Transportation has investigated Brookwood Acres Drive in the Brookwood Acres Subdivision; and*

***WHEREAS**, the subject street has been found to meet minimum requirements for addition.*

***NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that Brookwood Acres Drive in the Brookwood Acres Subdivision be added to the Division of Highways' Secondary Road System.*

- *approve DOT Resolution Abandoning a 0.21 Mile Section of SR 2886 Flat Creek Road from the State Road System, as follows:*

***WHEREAS**, the Department of Transportation has investigated 0.21 mile portion of SR 2886 Flat Creek Road in Randolph County for purposes of abandonment; and*

***WHEREAS**, it has been determined that this portion of subject road should be abandoned from the Division of Highways' Secondary Road System.*

***NOW, THEREFORE, BE IT RESOLVED** by the Randolph County Board of Commissioners that the identified 0.21 mile portion of SR 2886 Flat Creek Road in Randolph County be abandoned from the Division of Highways' Secondary Road System.*

- *reappoint Stan Haywood, Jared Byrd, Donovan Davis, Reid Rich, Susan Smith, & Danny Mull and appoint Bryan Davis to Randolph County Local Emergency Planning Committee;*
- *reappoint Ben Ramsey to the Randolph County Tax Commission;*
- *reappoint Ben Ramsey to the Randolph County Board of Equalization & Review;*
- *appoint Pamela Baxter to the Adult Care Home Community Advisory Committee for a 1-yr. initial term to replace Maria Hayes, who has resigned;*
- *reappoint Addie Luther to the Randolph County Nursing Home Community Advisory Committee;*

- approve Budget Amendment #9 for Sheriff's Office (\$23,793 Carryover for Jail Renovation Project), as follows:

<b>2012-2013 Budget Ordinance</b>		
<b>General Fund—Budget Amendment #9</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$23,793	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Sheriff</i>	\$23,793	

- approve new Register of Deeds Records Retention and Disposition Schedule, as recommended by the NC Dept. of Cultural Resources;
- reappoint Wayne Joyce to Randolph County Planning & Zoning Board & Board of Adjustment;
- approve Budget Amendment #10 for Emergency Services (\$2,000 Homeland Security Grant-no match required), as follows:

<b>2012-2013 Budget Ordinance</b>		
<b>General Fund—Budget Amendment #10</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$2,000	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Emergency Services</i>	\$2,000	

- approve Budget Amendment #1 for Asheboro City Schools Balfour Project, as follows:

<b>2012-2013 Budget Ordinance</b>		
<b>Budget Amendment #1</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Sales Tax Refund</i>	\$12,000	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Issuance Costs</i>	\$12,000	
<i>Construction</i>	\$360,000	
<i>Other Services</i>		\$260,000
<i>Contingency</i>		\$100,000

- approve Budget Amendment #11 for Elections (\$2,346 Help America Vote Act Accessibility Grant), as follows:

<b>2012-2013 Budget Ordinance</b>		
<b>General Fund—Budget Amendment #11</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Restricted Intergovernmental</i>	\$2,346	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Elections</i>	\$2,346	

### **Changes to New Business Agenda**

Chairman Holmes announced the following changes to the agenda: addition of *Item L. Approve Audit Contract Extension* and addition of *Item M. Closed Session—Economic Development [N.C.G.S. 143-318.11(a)(4)]*

### **Presentation/Approval of Amendments to Ambulance Franchise Ordinance**

Donovan Davis, Emergency Services Director, stated that the ambulance franchise ordinance has not been updated since 2003 and after a significant review of the EMS operations, as they relate to franchised agencies, he proposed changes that will strengthen the reliability of each agency and the regulation authority that the County should have. Mr. Davis reviewed the proposed changes with the management of Ash-Rand and Piedmont Triad Ambulance & Rescue. Aside from questions for clarification, there were no concerns regarding the changes. Ms. Scotton, Associate County Attorney, assisted with the appropriate language and review. Mr. Davis requested that the Board approve the updated Ambulance Franchise Ordinance with the following recommended changes:

1. Section 1 – Added General Statute 153A-123 for reference authority.
2. Section 3 a & b – Added the NC Office of EMS.
3. Section 4 a – Removed UHF and VHF two-way radio requirement.
4. Section 5 c – Added “Along with their application” and removed “annually.”
5. Section 8 b – Increased the initial application fee from \$300 to \$1,000.
6. Section 9 e – Added “Emergency Services Director” and removed “County Manager.”
7. Section 9 e – Increased the franchise renewal fee from \$150 to \$500.
8. Section 11 a – Added language allowing Director to inspect stations, records, equipment and ambulances at anytime with or without prior notice.
9. Section 11 b – Added criminal misdemeanor penalties.
10. Section 11 c – Added injunctive relief statement.
11. Section 11 d, 1-10 – Added descriptions of how the County may pursue civil penalties for violations.

*On motion of Frye, seconded by Lanier, the Board voted unanimously to approve the amendments to the Ambulance Franchise Ordinance, effective November 6, as requested, and as follows:*

### ***AN ORDINANCE WITH RESPECT TO THE FRANCHISING OF AMBULANCE SERVICES IN RANDOLPH COUNTY***

#### ***Section 1. Purpose.***

*In the public interest and for the promotion of the public health, safety, welfare and convenience and pursuant to statutory authority contained in N.C.G.S. §153A-250, 153A-123, and other applicable laws, the following rules are adopted, which rules set forth the conditions, limitations, restrictions, and requirements under which a person may provide ambulance services or operate an ambulance in Randolph County.*

#### ***Section 2. Definitions.***

*For the purposes of this ordinance, the following words, phrases, terms, abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context,*

*words used in the present tense include the future tense, words in the plural number include the singular number, words in the singular number include the plural number, and words in the masculine, feminine or neuter gender include each of the other genders. The word “shall” is always mandatory and not merely directory.*

*(a). “Ambulance” shall mean any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation of patients on the streets or highways, waterways, or airways of this state, in accordance with N.C.G.S. §131E-155.*

*(b). “Ambulance Provider” shall mean an individual, firm, corporation or association who engages or professes to engage in the business or service of transporting patients in an ambulance.*

*(c). “Approved” shall mean approved by the state’s Medical Care Commission pursuant to its rules and regulations promulgated under Chapter 143, Article 56 of the North Carolina General Statutes.*

*(d). “Board” shall mean the Randolph County Board of County Commissioners.*

*(e). “County” shall mean Randolph County, North Carolina.*

*(f). “Credentialed Personnel” shall mean an individual who holds a valid certification from the state that allows them to practice at any of the following levels: Medical Responder, EMT, EMT (epinephrine), EMT-D, EMT-I, and/or EMT-P, as defined in North Carolina General Statutes and any rules promulgated pursuant thereto.*

*(g). “Department” shall mean the North Carolina Department of Health and Human Services.*

*(h). “Dispatcher” shall mean a person who is available at all times to receive requests for emergency services, to dispatch emergency services, and to advise fire departments, law enforcement agencies and emergency medical facilities of any existing or threatened emergency.*

*(i). “Emergency” and “Emergency Transportation Service” shall mean the use of an ambulance, the equipment and personnel to provide medical care transportation of a patient who is in need of immediate medical treatment in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.*

*(j). “Non-emergency Transportation Services” shall mean the operation of an ambulance for any purpose other than transporting emergency patients.”*

*(k). “Owner” shall mean any person or entity who owns an ambulance.*

*(l). “Patient” shall mean an individual who is sick, injured, wounded, or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated, in accordance with N.C.G.S. §131E-155.*

*(m). “Person” shall mean any individual, firm, partnership, corporation, association, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency of the United States.*

*(n). “State” shall mean the State of North Carolina.*

### **Section 3. Standards.**

*(a). Standards for credentialed personnel shall be as developed by the State Medical Care Commission, the North Carolina Office of Emergency Medical Services, and the Randolph County Emergency Medical Services System, and shall be applied to the same as if incorporated herein by reference.*

*(b). Standards for vehicles and equipment shall be as developed by the State Medical Care Commission, the North Carolina Office of Emergency Medical Services and the Randolph County Emergency Medical Services System, and shall be applied to the same as if incorporated herein by reference.*



**Section 4.       Communications and Dispatch Requirements.**

- (a).   Each ambulance shall be equipped with communications compatible with those used by Randolph County Emergency Services. Randolph County Communications shall assign frequencies and record movements of applicant's ambulances.
- (b).   Each ambulance shall be required to render assistance to Randolph County Emergency Medical Services (EMS) in the case of a major catastrophe or emergency or when Randolph EMS units are unavailable to respond to emergency calls.
- (c).   Assigned emergency calls will have priority over scheduled non-emergency calls.
- (d).   When Randolph EMS units are dispatched to an emergency scene and an applicant's ambulance is available, closer to the scene, that ambulance is authorized to respond to the scene and provide assistance prior to Randolph EMS if:
  - (1).   The County Communication Center is notified; and
  - (2).   The applicant's ambulance is dispatched.
- (e).   If, on arrival, it is found that the situation is not an emergency, the patient may be transported by applicant's ambulance. Randolph EMS will continue to the scene if there is any question of the patient's actual condition. Patient's medical needs will be given priority. When necessary, patient will be released to Randolph EMS for treatment and transport.
- (f).   Any call received at a base or office of the applicant will be immediately referred to County Communications and the appropriate response will be determined.

**Section 5.       Insurance.**

- (a).   No ambulance franchise shall be issued under this ordinance, nor shall such franchise be valid after issuance, unless the franchisee has at all times in force and effect insurance coverage issued by an insurance company licensed to do business in this state.
- (b).   This coverage shall provide:
  - (1). Appropriate Statutory Workmen's Compensation
  - (2). Auto Liability Coverage in an amount equal to or greater than that carried by Randolph County Emergency Services.
  - (3). General Liability Coverage in an amount equal to or greater than that carried by Randolph County Emergency Services.
  - (4). Medical Malpractice Coverage in an amount equal to or greater than that carried by Randolph County Emergency Services.
- (c).   Along with their application, the applicant shall provide the County with a copy of the Certificate of Insurance for the above. The insurance policy must list the County as a party to be notified in the event that the applicant's insurance is revoked, withdrawn, canceled, or allowed to lapse, or in the event that there is any change whatsoever in the above-described coverage amounts.

**Section 6.       Rates and Charges.**

Each franchisee who charges for services shall set his rates and fees in accordance with those rates and fees set by the Board of County Commissioners for the County Department of Emergency Services.

**Section 7.       Franchise Required.**

- (a).   It shall be unlawful for any person to provide ambulance services in Randolph County or to operate an ambulance in the County unless such person shall have first obtained and shall currently hold a valid franchise granted pursuant to this ordinance.

(b). *No franchise shall be required for:*

- (1). *Any entity rendering assistance to a franchised ambulance service in the case of a major catastrophe, mutual aid or emergency with which the services franchised by the County are insufficient or unable to cope;*
- (2). *Any entity operated from a location or headquarters outside of the County in order to transport patients who are picked up beyond the limits of the County to facilities located within the County, or to pick up patients within the County for transporting to locations outside the County;*
- (3). *Any ambulance owned and operated by an agency of the United States Government;*
- (4). *Vehicles owned and operated by rescue squads chartered by the state as nonprofit corporations or associations or by rescue squads which are not regularly used to transport sick, injured, wounded, or otherwise incapacitated or helpless persons except as a part of rescue operations.*

(c). *Any person who is providing ambulance services in the County or in any portion thereof on the effective date of the adoption of this ordinance is also entitled to a franchise to continue to service that part of the County in which the service is being provided. The Board of Commissioners has determined that Piedmont Triad Ambulance and Rescue Service and Ash-Rand Rescue and EMS, Inc. are the only ambulance services other than those operated by the County that are currently in operation in Randolph County and that both are in compliance with Chapter 131E, Article 7 and Chapter 143, Article 56 of the North Carolina General Statutes and any rules promulgated pursuant thereto and are each hereby granted a franchise to operate under the terms of this ordinance, upon the County's receiving proof of insurance in accordance with Section 5 above. Moses Cone Carelink is also currently operating an ambulance base in the County and is hereby granted a franchise to operate under the terms of this ordinance upon the County's receiving proof of insurance in accordance with Section 5 above, provided however that Moses Cone Carelink shall not be dispatched by the County nor shall they be subject to the provisions of Section 6 (Rates and Charges) above.*

**Section 8.      *Application.***

(a). *Application for a franchise to operate an ambulance in the County shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the County and shall contain, but not be limited to, the following information:*

- (1). *The name and address of the ambulance provider and the owner(s) of the ambulance(s);*
- (2). *The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such names or articles of incorporation stating such names;*
- (3). *A resume of the training and experience of the applicant in the transportation and care of patients;*
- (4). *A full description of the type and level of service to be provided, including detailed plans stating the method of implementation and operation of service;*
- (5). *An audited financial statement of the applicant as same pertains to the operations in the County, such financial statement to be in such forms and detail as the County may require;*
- (6). *A list of employees, job status, and North Carolina motor vehicle operator license numbers. This list must be kept current at all times;*
- (7). *A list of vehicles, including the model, year and license numbers for each;*

- (8). *Proof of required insurance;*
  - (9). *Proof of registered state certification for vehicles and employees; and,*
  - (10). *The address and physical location of all places where business is conducted; and,*
  - (11). *A consent form allowing the Director of County Emergency Services to inspect the applicant's stations, vehicles, equipment, and attendants' state medical certification cards during the term of the franchise.*
- (b). *Application for a franchise to operate an ambulance in the County shall be accompanied by an application examination fee of one thousand dollars (\$1,000.00).*

**Section 9. Issuance and Renewal of Franchise.**

- (a). *Upon receipt of an application for a franchise, the County shall schedule a time and place for hearing the applicant prior to an investigation. Within thirty (30) days after such hearing, the County shall cause such investigation as it may deem necessary to be made of the applicant and his proposed operations.*
- (b). *A franchise may be granted if the County finds that:*
- (1). *The applicant meets state standards and the standards outlined in this ordinance; and,*
  - (2). *A need exists for the proposed service in order to improve the level of ambulance services available to residents of the County and that this is a reasonable and cost effective manner of meeting the need. Where a franchise is to be issued to an existing service, there must be a need to maintain the existing level of service.*
- (c). *The authority hereby granted to provide ambulance services in the County is not and shall not be deemed to be an exclusive right or permission. The County expressly reserves the right to grant similar non-exclusive franchises to other persons, firms, or corporations at any time or for any period of time. No additional franchise granted by the County shall in any wise affect the obligations of the grantee hereunder.*
- (d). *Each franchise shall be valid for two years from the date of its issuance.*
- (e). *Each franchise may be renewed by submission of the renewal application to the office of the Emergency Services Director at least ninety (90) days prior to the expiration date of the franchise. After approval of said application by the Board of County Commissioners and upon payment of a renewal examination fee of five hundred dollars (\$500.00), the applicant shall be issued a renewal certificate which shall validate the applicant's franchise for an additional two years.*

**Section 10. Termination.**

- (a). *Either party, at its option, may terminate a franchise granted under this ordinance upon one hundred twenty (120) days prior written notice to the other party. After a notice of termination is given, the ambulance provider may reapply for a franchise if continued service is desired.*
- (b). *The acceptance of a franchise by an operator constitutes an agreement to comply with required standards at all times. Each franchised ambulance service shall comply at all times with the requirements of this ordinance, the franchise granted hereby, and all applicable federal, state, and local laws relating to health, sanitation, safety, equipment, and ambulance design and all other laws and ordinances, including but not limited to Chapter 131E, Article 7 and Chapter 143, Article 56 of the North Carolina General Statutes, and the Emergency Medical Services System Plan adopted by Randolph County. Failure to comply will result in*

sanctions as provided in this ordinance up to and including the revocation of the franchise by the County.

(c). Upon suspension, revocation, or termination of a franchise granted hereby, such franchised ambulance service shall immediately cease operations. Upon suspension, revocation, or termination of a driver's license or attendant's certification, such persons shall immediately cease to drive an ambulance or to provide medical care in conjunction with the ambulance service.

(d). Upon any change in ownership of a franchised ambulance service made without prior written approval by the County, the County shall have the option to terminate the franchise effective immediately. No franchise shall be sold, assigned, mortgaged, or otherwise transferred, in whole or in part, without the prior written approval of the County. The County shall have the option to terminate the franchise, in either case, requiring a new application to be submitted, and a finding of conformance with all requirements of this ordinance as upon original franchising.

#### **Section 11. Enforcement and Revocation of Franchise.**

(a). **Inspection.** It shall be the duty of the Director of Randolph County Emergency Services to periodically inspect the stations and ambulances licensed under this ordinance in order to determine any violations of its provisions. Any ambulance provider applying for or holding an ambulance franchise pursuant to this ordinance shall allow the Emergency Services Director or his designee to inspect its stations, records, equipment and ambulances at any time with or without prior notice.

(b). **Criminal Penalties.** A violation of this ordinance, or the terms of any franchise granted hereunder, shall be a misdemeanor as provided by North Carolina General Statute 14-4.

(c). **Injunctive Relief.** The County may pursue any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by North Carolina General Statute 153A-123. If applicable, the County may execute an order of abatement if the violator does not comply with such order, and the costs of execution shall be a lien on the property in the nature of a mechanic's or materialman's lien.

(d). **Civil Penalties.** The County may pursue civil penalties through the issuance of citations for violations as provided below:

1. **Penalties.** When a violation occurs, the Emergency Services Director shall issue a written warning, citation, suspension or other violation penalty in accordance with the Violation and Penalty Matrix depicted below.
2. **Service.** Any written warning, notice or citation issued pursuant to this ordinance shall be delivered to the violator by: certified mail to its official headquarters.
3. **Contents.** Any citation issued pursuant to this ordinance shall include the nature of the violation, the amount of the civil penalty, information about where to pay the civil penalty, the deadline for payment, notification of daily penalties for continuing violations, and the notification of possible civil and criminal enforcement.
4. **Penalty Amount.** Along with any citation issued pursuant to this ordinance, the Emergency Services Director shall assess a civil penalty of up to five hundred dollars (\$500.00). Determination of the amount of the civil penalty shall be based upon the Violation and Penalty Matrix depicted below.
5. **Deadline for Paying Civil Penalties.** All civil penalties shall be paid on or before thirty (30) days after receipt of the issuance of the citation. Failure to pay civil penalties within said deadline may subject the violator to a civil action in the nature of a debt.

6. **Continuing Violations.** *The citation shall also include notice that a daily penalty of up to five hundred dollars (\$500.00) shall be assessed for each day of continued violation and that the penalty shall be cumulative. If the violation continues for more than fifteen (15) days after receipt of the citation, the violator's franchise may be suspended pending further investigation or recommended for termination in accordance with paragraph (b) below.*
7. **Settlement of Violations.** *Once a violation has been corrected, the Emergency Services Director may waive payment of a single civil penalty or, in the case of a continuing violation, may reduce the amount to a single-day civil penalty, if one or more of the following factors are present:*
  - a) *The violator has not previously received a citation for a similar violation;*
  - b) *The violation does not directly impact the public health and safety of the community;*
  - c) *The violation was difficult to correct in an expeditious manner; or*
  - d) *The degree of noncompliance was not substantial.*

*If the violation has not been corrected, payment shall not release a violator from potential civil enforcement, criminal prosecution, injunctive relief, or an order of abatement.*

8. **Appeals.** *All appeals of citations must be filed in writing within thirty (30) days after the date of receipt of the citation by letter to the Randolph County Board of Commissioners. The appeal shall be heard at the next regularly-scheduled meeting of the Randolph County Board of Commissioners, provided said notice is received more than ten (10) days in advance of said meeting. If the notice of appeal is received ten (10) days or less from the date of the nearest regularly-scheduled meeting, then the appeal shall be heard the following month at the regularly-scheduled Board of Commissioners meeting.*
9. **Judicial Action to Collect Civil Penalty.** *The County may file a civil action in the nature of a debt in any court of competent jurisdiction to collect an unpaid civil penalty after the thirty (30) day deadline for paying the civil penalty, set out in the citation, has expired. Additional civil actions in the nature of a debt may be filed to collect an unpaid civil penalty for a continuing violation lasting more than thirty (30) days after the receipt of the citation.*

*(b). In the event that a provider has a single violation lasting for more than fifteen (15) days after receiving notice thereof or has a history of repeated violations of such nature and frequency as to indicate a pattern of disregard for compliance, the Director of County Emergency Services may notify the Board of County Commissioners and recommend revocation of provider's franchise.. The Board shall then determine if there is sufficient danger to the morals, public health, safety, or general welfare of the citizens and residents of the County to warrant revocation of the ambulance provider's franchise.*

*(c). Upon a determination that there is probable cause for revocation and after notification to the ambulance provider of such determination and the reasons therefore, the Board shall schedule a hearing at which the ambulance provider or his representative shall be afforded the opportunity to show good cause why his franchise should not be revoked. Upon the ambulance provider's failure to show such good cause, the Board shall revoke the franchise.*

## **VIOLATION and PENALTY MATRIX**

<b><i>VIOLATION</i></b>	<b><i>FIRST OCCURRENCE</i></b>	<b><i>SECOND OCCURRENCE</i></b>	<b><i>THIRD OCCURRENCE</i></b>
<i>Refusal of response, patient care and/or transport. (Each incident will be reviewed and will exclude incidents due to vehicle failure, on-duty personnel who become ill or injured, and etc.)</i>	<i>Immediate suspension pending investigation with franchised supervisor and issuance of citation.</i>	<i>Suspend franchise for two days, plus \$500 citation.</i>	<i>Recommend the Board of Commissioners permanently suspend the franchise for a period of six months – then require new application.</i>
<i>Unit not available at scheduled time (3 or more times within a 90 day period).</i>	<i>\$100 citation.</i>	<i>\$500 citation.</i>	<i>Suspend franchise for two days, plus \$500 citation.</i>
<i>Unit going off-duty prior to scheduled time without prior notification (notification made by Agency Supervisor at the beginning of the shift).</i>	<i>Written Warning.</i>	<i>\$100 citation.</i>	<i>\$500 citation.</i>
<i>Negligent or willful failure to maintain necessary and required equipment in proper working order.</i>	<i>\$100 citation per day.</i>	<i>\$500 citation per day.</i>	<i>Suspend franchise until equipment is in working order.</i>
<i>Failure to follow radio procedures, policies, or rules and/or improper use of radio equipment.</i>	<i>Written warning.</i>	<i>Immediate suspension pending investigation with franchised supervisor and \$100 citation per day while suspended.</i>	<i>\$500 for each repeat occurrence.</i>
<i>Failure to meet the equipment standards as define by NCOEMS and Randolph County Emergency Services</i>	<i>\$100 citation per day until corrected, up to suspension.</i>	<i>\$500 citation per day until corrected, up to suspension.</i>	<i>Suspend franchise until equipment is in working order.</i>
<i>Failure to maintain the staff credentialing requirements as define by NCOEMS and Randolph County Emergency Services</i>	<i>Written warning.</i>	<i>\$100 citation per day until corrected.</i>	<i>\$500 citation per day until corrected.</i>
<i>Failure to attend 75% of the quarterly Randolph County EMS Quality Management Committee meetings</i>	<i>Written warning.</i>	<i>\$100 citation.</i>	<i>\$500 citation.</i>
<i>Failure to meet NCOEMS and Randolph County Emergency Services call</i>	<i>Written warning.</i>	<i>\$100 citation per day until corrected.</i>	<i>\$500 citation per day until corrected.</i>

<i>times policies in the EMS System Patient Care Manual.</i>			
<i>Fails to operate according to the protocol standards established by NCOEMS and the Randolph County EMS System Patient Care Manual.</i>	<i>Written warning up to suspension.</i>	<i>\$100 citation per day, up to suspension.</i>	<i>Recommend the Board of Commissioners permanently suspend the franchise for a period of six months – then require new application.</i>
<i>All other violations not listed above.</i>	<i>Written warning.</i>	<i>\$100 citation per day until corrected.</i>	<i>\$500 citation per day until corrected.</i>

### **Update on Existing 9-1-1 Center Renovation Project**

Donovan Davis, Emergency Services Director, stated that the 911 Call Center was moved to the basement of the facility during the renovations and then back to the completed room on November 1 without interruption of services to citizens. An open house is being planned.

### **Approval of Bid Award for Purchase of Heart Monitors**

Donovan Davis, Emergency Services Director, said that the cardiac monitor/defibrillators currently used on the ambulances are Physio-Control LifePak 12's, are ten years old and have exceeded their lifespan. He said they have researched the different monitor/defibrillators on the market today and have determined that upgrading to the Physio-Control LifePak 15 is the best option for their needs. He stated that the equipment is available through NC State Contract 465B.

Mr. Davis requested the Board award the purchase of ten (10) LifePak 15 Cardiac Monitor/Defibrillators and associated equipment to Physio-Control, Inc. for the amount of \$411,634.50.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to award the bid for the purchase of 10 LifePak 15 Heart Monitor/Defibrillators and associated equipment to Physio-Control, Inc. in the amount of \$411,634.50*

### **Adoption of Resolution of Commitment to NC Electronic Management Program**

Paxton Arthurs, Public Works Director, stated that the Department of Environment and Natural Resources (DENR) requires the County to have an Electronics Management Program and that it be reflected in its 10-year Solid Waste Plan. He said that the Plan must be updated every three years or when there is a major change to the Solid Waste Program. Our current 10-year Solid Waste Plan will be updated in 2013.

Mr. Arthurs stated that electronics were banned from landfills in July 2011. He is only requesting the update to the Electronics Management Program portion of the current plan several months earlier than required to respond to the new electronics recycling criteria. Hence, the Randolph County Board of Commissioners would need to approve the actions to the North Carolina Electronic Management Program by resolution in order to be eligible to receive State and Federal money that is available.

He requested that the Board adopt a Resolution approving the actions to North Carolina Electronic Management Program so the Public Works Department can submit it to the State. It is required that this resolution and action be adopted by December 15, 2012.

*On motion of Lanier, seconded by Haywood, the Board voted unanimously to adopt a Resolution of Commitment to NC Electronics Management Program, as follows:*

**RESOLUTION OF COMMITMENT TO NC ELECTRONIC MANAGEMENT PROGRAM**

*WHEREAS, the Randolph County Board of Commissioners support the NC Electronic Management Program; and*

*WHEREAS, the Randolph County Board of Commissioners are aware that they are obligated to be in compliance with the N.C. General Statutes 130A-309.130 through 130A-309.141 "Discarded Computer Equipment and Television Management," which governs the establishment of an electronics recycling program for the State of North Carolina with shared responsibility between computer manufacturers, television manufacturers, retailers, local and state government, and consumers with the general goal of fostering a statewide recycling infrastructure for these materials. In conjunction with this program, the law bans televisions, computers, monitors, printers, scanners, and computer peripherals, such as keyboards and electronic mice from disposal in Solid Waste Facilities; and*

*WHEREAS, the Randolph County Board of Commissioners support programs and activities relating to the Electronics Management Program in a manner to affirmatively further the recycling of electronics.*

*NOW, THEREFORE, IT BE RESOLVED that the Randolph County Board of Commissioners agree to commit to Electronic Recycling and will comply with all Federal, State and Local laws, rules, regulations, and ordinances applicable in their efforts to further the Electronics Management Program; and*

*BE IT FURTHER RESOLVED, that the Randolph County Public Works Director is hereby directed to provide recycling services and referral services to persons having questions and/or complaints about the North Carolina Electronics Management Program within Randolph County and will further assure that Randolph County is in compliance with N.C. General Statutes 130-A309; and*

*FURTHER, that Randolph County will use an electronics recycler/vendor that holds the required e-Stewards or R2 certification and will retain a copy of their certification document as issued by RE Solutions or e-Stewards or an accredited 3<sup>rd</sup> party auditor. (See attachment: Actions to NC Electronic Management Program); and*

*BE IT FINALLY RESOLVED, that the Randolph County Public Works Department is hereby directed to carry out the criteria listed in the Addendum titled, "Randolph County Actions Pursuant to North Carolina Electronics Management Program" until such time as Randolph County's 10-year plan is updated in 2013, when these criteria will be incorporated into its Electronics Recycling Plan.*

**ADDENDUM**

**RANDOLPH COUNTY ACTIONS PURSUANT TO NC ELECTRONIC MANAGEMENT PROGRAM**

**1. Actions:**



*Randolph County has implemented a recycling program for all electronic waste. Materials to be recycled include, but are not limited to: CRTs, TVs, hard drives, computers, printers, scanners, fax machines, copiers, and other miscellaneous electronic equipment that are banned from disposal. Randolph County will accept banned electronic equipment from all county residents and businesses. Randolph County has contracted with a fully certified electronics recycling company that is in compliance with the requirements of the State of North Carolina.*

*The materials will be collected in the Electronic Recycling Building at the Randolph County Solid Waste Facility. Randolph County Municipalities approved and will utilize the Solid Waste Facility for their electronic recycling programs with the exception of the City of Asheboro, which has its own independent recycling program in place. The Electronic Recycling Site is staffed and maintained by the County. The staff will routinely consolidate and wrap these materials and load them onto a trailer at the site prior to the recycling company's arrival. The County is currently using and will continue to use an electronics recycler/vendor that holds the required e-Stewart or R2 certification. The electronics recycler/vendor working with the County will pick up the electronic materials and transport them to their facility for recycling and further disposal.*

## **2. Public Awareness and Education Programs:**

*Randolph County is using flyers posted at each convenience site and the Solid Waste Facility to inform citizens of the location of collection sites for their electronic waste. Signs are posted at the Solid Waste Facility explaining the new Solid Waste Facility's ban of CRTs and TVs and the locations of collection sites. Articles in the local newspaper have informed citizens of the new law, its requirements, and the options Randolph County has established. This information is also posted on the county web site. Ongoing interaction with the municipalities and county will inform citizens of the electronic recycling program provided. All information will continue to be given to the incorporated areas to distribute to their residents. Randolph County also hosts tours for schools in our county of the Solid Waste Facility and all recycling areas including the electronic recycling area. The children are educated through the tour guide about recycling and its benefits; they are given recyclable items such as rulers, pencils, etc.*

## **3. Information on how Randolph County will track and report total tonnage:**

*For each load it collects, our certified electronics recycler/vendor supplies to Randolph County a monthly statement that lists the tonnage of materials broken down by computer equipment, televisions, and other electronic material, as well as, TV's. This information is being entered into the County's Waste Works System and reported on the County's Solid Waste & Materials Management Annual Report to DENR.*

## **4. Units of Local Government:**

*With ongoing planning meetings with local city and town officials, the County will continue to work on meeting the needs of the citizens and officials in developing solutions to meet their Electronic Recycling needs. The Public Works Department, along with Cooperative Extension, schedules several yearly electronics recycling days in various parts of the county. Local media representatives work in cooperation with Public Works and Cooperative Extension to publicize special events such as Electronic Recycling Days, as well as, articles to improve the public's understanding of the recycling process.*

*Randolph County will continue to work with our communities to improve the public's understanding of the recycling process.*

**5. Information on how Randolph County will use State funds:**

*Randolph County is using the State funding for educational efforts and for supplies and equipment to handle the electronic waste. The County has set up separate budget lines for Electronics Program Revenues and Expenses, which is separated from other solid waste programs. The County will track all expenditures of these funds, and will spend the funds only in support of the electronics recycling program.*

**6. Certified Electronic Recycler/Vendor:**

*Randolph County is using a R2 Certified/ISO vendor that with whom we currently have a contract. A copy of the contract/agreement and certification is on file with Randolph County Public Works. Further, Randolph County will continue to use an electronics recycler/vendor that holds the required e-Stewards or R2 certification and will retain a copy of their certification document as issued by R2 Solutions or e-Stewards or an accredited 3<sup>rd</sup> party auditor.*

**Budget Amendment Approval for Well Drilling at Proposed Regional Landfill**

Paxton Arthurs, Public Works Director, stated that at the June 2011 meeting of the Board of Commissioners, a proposal with Geologic Exploration, Inc. was approved in the amount of \$112,303. This drilling is critical for determination of site suitability, as required by regulations. After the work commenced, several changes were necessary to properly complete this project. The first factor was a change in the recommended drilling equipment due to the difficult access of the site. Another factor was an increase in the number of wells needed due to a change in the landfill permitting regulations (resulting in five additional wells being drilled). The final factor was an increase in the depth of both the bedrock and the water table beyond what was previously estimated. Although this last item contributed to the increased cost, it was also a positive development in that it results in more air space for the site as well as more protection for the groundwater.

*On motion of Kemp, seconded by Lanier, the Board voted unanimously to approve a change order not to exceed \$70,000 with Geologic Exploration for well drilling at the proposed landfill and to approve Budget Amendment #12 to the Landfill Closure Fund, as follows:*

<b>2012-2013 Budget Ordinance</b>		
<b>Landfill Closure Fund - Budget Amendment #12</b>		
<b>Revenues</b>	<b>Increase</b>	<b>Decrease</b>
<i>Appropriated Fund Balance</i>	<i>\$70,000</i>	
<b>Appropriations</b>	<b>Increase</b>	<b>Decrease</b>
<i>Solid Waste Management</i>	<i>\$70,000</i>	

**Soil and Water Conservation District (SWCD) Annual Report**

Craig Frazier, Soil and Water Conservation (SWCD) District Chairman, stated that the SWCD has collected over \$116,000 in state grants to implement conservation programs and almost \$370,000 in federal program funds. This year, the local district staff certified 88 water connection points for the local county fire departments, which is a requirement they have to meet for insurance purposes. In 2010, the SWCD began the Quilt Trail and continues to offer the public an opportunity to purchase a quilt square to be placed as part of the Quilt Trail. The educational programs are in full force in the county schools, which include essays, annual poster contests and puppet shows. SWCD assists with coordinating

the Area 3 SWCD Regional Envirothon Competition, which is offered to 48 schools, including county, city, private and home schools. The SWCD is in the process of planning a "Farmer's Appreciation Day" for spring 2013, and Mr. Frazier extended an invitation to the Board. Mr. Frazier concluded his presentation, stating that this is Soil and Water's 75<sup>th</sup> anniversary.

**Adoption of Resolution Declaring Intent to Close Undeveloped Portions of Willow Lake Rd; Set Public Hearing for Road Closing**

Associate County Attorney Aimee Scotton stated that Randolph County has received a request that the County act to permanently close two undeveloped portions of Willow Lake Road that exist on paper but have not actually been constructed as part of the road. The sections are from where Willow Lake Road connects with Orlando Drive northward approximately 359.26 feet and from where Willow Lake Road dead ends southward approximately 368.84 feet. These undeveloped portions are located in the Franklinville Township.

The procedure for closing a public road or easement is governed by North Carolina General Statute §153A-241. The first step requires that the Board of Commissioners adopt a resolution declaring its intent to close the road and calling for a public hearing on the question. This notice must be published once a week for three successive weeks before the hearing, and a copy of the resolution must be sent by registered certified mail to each owner of property adjoining the road, as shown by the county tax records, who did not join in the request to have the road closed. In this case, there are only three owners to notify, two of whom own parcels at the north end of the paper street and one of whom owns property that adjoins the southern portion that is requested to be closed. Furthermore, a notice of the closing and the public hearing must be posted in at least two places along the road.

Ms. Scotton said that at the public hearing, interested persons are allowed to voice their views on whether the closing will be detrimental to the public interest or to individual property rights. After the public hearing, if the Board of Commissioners is satisfied that closing this road will not be detrimental to public interest and will not deprive any individual of access to his property, the Board may adopt an order closing the requested portions. A certified copy of the order shall then be filed with the Register of Deeds office.

This is the first phase of this process. She asked the commissioners to approve a resolution declaring the intent to affect this closure and set a public hearing on the matter at the December 3, 2012 meeting.

*On motion of Frye, seconded by Kemp, the Board voted unanimously to approve a Resolution Declaring intent to close undeveloped portions of Willow Lake Rd. and set a public hearing for road closing for 6:30 p.m. on December 3, as follows:*

***A RESOLUTION DECLARING THE INTENT TO CLOSE THE UNDEVELOPED PORTIONS OF WILLOW LAKE ROAD AND CALLING FOR A PUBLIC HEARING ON THE QUESTION.***

***WHEREAS, the Randolph County Board of Commissioners has received a request from Gary David Robbins to permanently close two undeveloped sections of Willow Lake Road:***

*From where it connects with Orlando Drive approximately 359.26 feet north as depicted in Plat Book 8, Page 20, Randolph County Registry, and;*

*From where it physically dead ends approximately 368.84 feet south as depicted in Plat Book 8, Page 20, Randolph County Registry.*

**WHEREAS**, North Carolina General Statute § 153A-241 requires that the Board of Commissioners hold a public hearing prior to the closing of any road to consider the effects of said closing on the public interest or on individual property rights;

**BE IT THEREFORE RESOLVED** that the Randolph County Board of Commissioners hereby declares its intent to permanently close those portions of Willow Lake Road outlined above.

**BE IT FURTHER RESOLVED** that the Randolph County Board of Commissioners has set a public hearing for 6:30 p.m. on December 3, 2012 to consider said closing and to allow for the public to be heard on this matter.

### **Approval of New Franklinville Fire Insurance District**

Associate County Attorney Aimee Scotton stated that property owners who live within a certain road distance from a fire department (currently six miles) receive a discount on their homeowners' insurance. The North Carolina Department of Insurance requires Commissioners approval of insurance district boundary lines. The Franklinville Fire Department has opened a new substation. While a number of the homes located within six miles of this new substation were already within an insurance district, there are several that will be included for the first time now. Ms. Scotton presented a list of the newly-included parcels along with a map of the entire proposed new insurance district. She noted that this does not affect the tax district in any way, therefore there are no statutory requirements to fulfill and no need for a public hearing. The Board simply needs to approve the inclusion of these parcels in the insurance district so that the property owners can receive a discount on their homeowners' insurance.

*On motion of Lanier, seconded by Haywood, the Board voted unanimously to approve the new Fire Insurance District for Franklinville Fire Department, as presented.*

### **Adoption of Orders Concerning 2013 Revaluation**

Debra Hill, Tax Collector, stated that the final step in the process leading up to the 2013 Revaluation is the adoption of the Orders adopting the true value and present use schedules, standards and rules, pursuant to NCGS 105-317. These documents were presented to the Board on September 4, 2012, and all required notices have been published, and the public hearing was held at the Board's October 1, 2012 meeting.

Following adoption of the Orders, a notice will be published, as prescribed by NCGS 105-317, on November 7, 14, 21 and 28, stating that the Orders were duly adopted and are available for public inspection in the Office of the County's Assessor. The notice will also state that any property owner who asserts that these schedules, standards and rules are invalid may appeal them to the North Carolina Property Tax Commission within 30 days from November 7, 2012.

*On motion of Kemp, seconded by Frye, the Board voted unanimously to approve an Order Concerning The Present Use Schedule Of Values, Standards And Rules To Be Used*

*In Appraising Real Property At Its True Value For The January 1, 2013 Revaluation, as follows:*

**ORDER**  
**CONCERNING THE PRESENT USE SCHEDULE OF VALUES, STANDARDS AND**  
**RULES TO BE USED IN APPRAISING REAL PROPERTY AT ITS TRUE VALUE**  
**FOR THE JANUARY 1, 2013 REVALUATION**

*Upon motion by Commissioner Kemp, seconded by Commissioner Frye, the Randolph County Board of Commissioners hereby issues an order adopting the final schedules, standards, and rules to be used in appraising real property at its present use value for January 1, 2013.*

*The Randolph County Tax Assessor is hereby ordered to provide for public examination a copy of these schedules in her office at 725 McDowell Road, Asheboro, NC. A property owner who asserts that these schedules, standards, and rules are invalid may appeal them to the North Carolina Property Tax Commission, P. O Box 871, Raleigh, NC 27602-0871, within 30 days from November 7, 2012.*

*The Randolph County Clerk to the Board is hereby ordered to publish in a newspaper of general circulation a notice of this order and the rights of the property owner. This notice shall be published for four successive weeks, on November 7, 14, 21 and 28, 2012.*

*On motion of Kemp, seconded by Frye, the Board voted unanimously to approve an Order Concerning The Market Value Schedule Of Values, Standards And Rules To Be Used In Appraising Real Property At Its Market Value For The January 1, 2013 Revaluation, as follows:*

**ORDER**  
**CONCERNING THE MARKET VALUE SCHEDULE OF VALUES, STANDARDS**  
**AND RULES TO BE USED IN APPRAISING REAL PROPERTY AT ITS MARKET**  
**VALUE FOR THE JANUARY 1, 2013 REVALUATION**

*Upon motion by Commissioner Kemp, seconded by Commissioner Frye, the Randolph County Board of Commissioners hereby issues an order adopting the final schedules, standards, and rules to be used in appraising real property at its market value for January 1, 2013.*

*The Randolph County Tax Assessor is hereby ordered to provide for public examination a copy of these schedules in her office at 725 McDowell Road, Asheboro, NC. A property owner who asserts that these schedules, standards, and rules are invalid may appeal them to the North Carolina Property Tax Commission, P. O Box 871, Raleigh, NC 27602-0871, within 30 days from November 7, 2012.*

*The Randolph County Clerk to the Board is hereby ordered to publish in a newspaper of general circulation a notice of this order and the rights of the property owner. This notice shall be published for four successive weeks, on November 7, 14, 21 and 28, 2012.*

**Approval of Resolution of Support for Funding of Purchase of Office Space for Piedmont Triad Regional Council (PTRC)**

Vice Chairman Frye stated that on June 20, 2012, the PTRC Board of Delegates awarded a contract to purchase a new building for the Piedmont Triad Regional Council.

Three sites were considered, with the most favorable site being centrally located in Kernersville on Highway 66 south of Interstate 40 across from Bishop McGinnis High School. This is the site that was selected by the Board of Delegates. Three bids were received in response to an RFP for construction of the building, with the lowest bid offered by the Arden Group. The Board approved offering Arden the contract, authorized an RFP for financing, which produced a low bid of 3.3% fixed over 20 years, and directed the Chairman to correspond with member governments seeking support for the funding of the purchase of office space as per the Local Government Commission application process. The Local Government Commission (LGC) requires supporting resolutions. In summary, the LGC requires a resolution that states the selected local governments will remain dues paying members, as per the Charter, for the duration of the financial obligation. This project will allow the region to consolidate staff in a central location at a fixed debt service rate lower than leasing rates.

*On motion of Frye, seconded by Haywood, the Board voted unanimously to approve Resolution of Support for funding of purchase of office space for the Piedmont Triad Regional Council, as follows:*

**COUNTY OF RANDOLPH SUPPORT FOR THE PIEDMONT TRIAD REGIONAL  
COUNCIL (PTRC) BUILDING ACQUISITION PROJECT**

**WHEREAS**, PTRC plans to acquire real estate to serve as a central office location to serve the merged staffs of the Piedmont Triad Regional Council (PTCOG) and the Northwest Piedmont Council of Governments (NWPCOG); and

**WHEREAS**, PTRC will continue to need office space for its operations and service to its member governments; and

**WHEREAS**, before merger the NWPCOG and PTCOG rented office space since formation in 1968; and

**WHEREAS**, it is in the best interest of PTRC and its Members to acquire centralized office space for PTRC staff and for its operations and service to its member governments; and

**WHEREAS**, PTRC is allowed by its duly approved Charter and By-laws, and North Carolina General Statute 160A-475 to own property for use as its office facility; and

**WHEREAS**, the County of Randolph has been an active member of the PTCOG for more than 40 years and continues to be a member of the PTRC; and

**WHEREAS**, PTCOG and now PTRC has provided valuable assistance to its local government members for over 40 years and as consideration for its continuing service the PTRC, to ensure continuing resources for debt service related to the office building and other financial needs, requests an accommodation of certain of its members; and

**WHEREAS**, the County of Randolph, to provide this accommodation, intends to continue as a dues paying member of the PTRC per its Charter as long as the debt related to the office building is outstanding;

**THEREFORE, BE IT RESOLVED** that the Randolph County Board of Commissioners hereby supports the application to the Local Government Commission.

### **Regional Update**

Vice-Chair Frye reported that PART has had two fare increases and that the finance committee and chairman had met with their auditors and for the first time in four years had a clean report showing no weaknesses and an increase in their fund balance.

### **Approval of Audit Contract Extension Date**

Assistant County Manager/Finance Officer Will Massie said that the ordinary due date for completion of the annual audit is October 31 of each year. However, due to maternity leaves and family issues for critical staff, the County and its auditors will not meet the original due date per the contract. Mr. Massie requested that the Board approve a revised contract that changes the due date to December 31. That is the only change to the contract.

*On motion of Lanier, seconded by Frye, the Board voted unanimously to approve a change to the audit contract due date to December 31, as requested.*

**Closed Session**

*At 7:30 p.m., on motion of Frye, seconded by Haywood, the Board voted unanimously to go into closed session to discuss matters relating to the location or expansion of business in the area, pursuant to [N.C.G.S.143-318.11(a)(4)]*

**Regular Meeting Resumed**

At 7:40 p.m., the Board returned to regular session.

**Adjournment**

At 7:40 p.m., there being no further business, the meeting adjourned.

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J. Harold Holmes, Chairman

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Darrell L. Frye

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Phil Kemp

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Arnold Lanier

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Stan Haywood

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Amanda Varner, Deputy Clerk to the Board